

ENTERED

May 30, 2025

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

REDA AHMED AOUN

VS.

US IMMIGRATION AND CUSTOMS
ENFORCEMENT AGENCY *et al.*§
§
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§

CIVIL ACTION NO. 5:25-cv-72

ORDER

The parties have filed a Stipulation of Dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i)¹ (Dkt. No. 19). The Federal Rules of Civil Procedure apply in habeas actions “to the extent that they are not inconsistent with any statutory provisions or these rules.” Rules Governing Section 2254 Cases, Rule 12; *see also* Rules Governing Section 2254 Cases, Rule 1(b) (§ 2254 rules apply to 28 U.S.C. § 2241 cases). Federal Rule of Civil Procedure 41(a)(1)(A)(i) permits the plaintiff to dismiss the case without a court order by filing “a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” This general rule is subject to limitations in class action suits, shareholder derivative suits, and suits where the Court has appointed a receiver. *See* Fed. R. Civ. P. 41(a)(1)(A).

Here, Respondents have not answered the petition or filed a motion for summary judgment, and none of the above limitations apply. So, Petitioner automatically dismissed his claims without prejudice when he filed the stipulation.

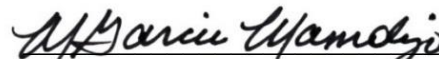
¹ Although Respondent United States Immigration and Customs Enforcement Agency signed the stipulation of dismissal, the Court construes the filing as brought unilaterally by the Petitioner under Rule 41(a)(1)(A)(i).

Qureshi v. United States, 600 F.3d 523, 525 (5th Cir. 2010) (citation omitted); Fed. R. Civ. P. 41(a)(1)(B) (“Unless the notice or stipulation states otherwise, the dismissal is without prejudice.”).

Because no claim remains pending, the Clerk of Court is **DIRECTED** to **CLOSE** this civil action.

It is so **ORDERED**.

SIGNED May 30, 2025.


Marina Garcia Marmolejo
United States District Judge